

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1561 OF 2023

Mrs. Rita Pravin Kadam

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

...

Mr. Rajendra Rathod with Mr. Abdulla Maknojia for the Applicant.

Ms A.A. Takalkar, APP for Respondent No.1-State.

Ms Purul Shah for Respondent No.2

Mr. Jitendra Koli, API, Malad Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 28th JULY, 2023.

P.C.:-

1. The Applicant apprehends her arrest in C.R. No.177 of 2023 registered with Malad Police Station, Mumbai, for the offences punishable under Sections 420, 465, 468, 471, 504 and 506 of the IPC.

2. Heard Mr. Rajendra Rathod, learned counsel for the Applicant, Ms Purul Shah, learned counsel for the Intervenor and Ms A.A. Takalkar, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Milagrin Santan Fernandes, step mother of the Applicant herein. The grievance of the First Informant is that the Applicant herein has forged and fabricated will of her deceased husband. The certificate dated 23/06/2022 issued by Dr. Alban Alfred Pace prima facie reveals that he had examined the testator -Joaquim Santan Fernandes and certified that he was in physically and mentally sound condition and was in position to understand the contents of the will. The will has been registered. The Investigating Officer has already recovered the documents, which are alleged to be forged and fabricated.

4. Learned APP states that pursuant to the order dated 02/06/2023 the Applicant has reported to the Investigating Officer and she has been interrogated. In such circumstances custodial interrogation of the Applicant is not warranted.

5. In view of above, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.177 of 2023 registered with Malad Police Station,

Mumbai, she shall be released on bail on executing PR bonds in the sum of Rs.20,000/- with one or two sureties to the like amount;

(ii) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer for the purpose of investigation;

(iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;

(iv) The Applicant shall keep the Investigating Officer informed of her current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)